

and after its passage.

AMOS CGGGSWELL,  
Speaker of the House of Representatives.  
IGNATIUS DONNELLY,  
President of the Senate.

Approved February twenty-fourth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }  
February 24th, 1860.

ALEX. RAMSEY.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.

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## CHAPTER XIX.

### *An Act to create a Lien in Favor of Lumbermen.*

- SECTION 1. Persons to have lien upon logs and lumber to secure payment of wages.
2. Person to file contract before entering upon such labor.
  3. Person to file claim of lien when wages are not paid.
  4. Logs and timber to be holden for payment of wages.
  5. Attachment how and when issued.
  6. Judgment how executed.
  7. Claims of lien to have precedence in the order filed.
  8. Fees paid for recording to be recovered in such action.
  9. Duty of Surveyor General of logs and lumber.
  10. Person receiving wages to discharge lien.
  11. Repeal of Statutes.
  12. Act to take effect on passage.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That any person or persons performing manual labor upon any logs or timber, shall have a lien upon such logs or timber to secure the payment of the wages agreed to be paid for such labor, upon substantially complying with the requirements of this Act, and not otherwise, except as provided for in Section nine (9) of Chapter ninety-seven (97) of the

Laborer to have  
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ges.

Revised Statutes of Minnesota, which said lien shall be subject to assignment and sale.

**SEC. 2.** Before entering upon the performance of any such labor, the person or persons proposing to perform the same shall cause to be filed and recorded in the office of the Surveyor General of logs, timber, and lumber for the district in which the mark of the logs or timber upon which the said labor is to be performed, is by law required to be recorded, a memorandum in writing of the terms of the contract under which the said labor is to be performed; which said memorandum shall contain—

Contract to be filed in office of Surveyor—what to contain

*First*—The name of the person or persons by and for whom respectively, the said labor is to be performed.

*Second*—The proposed mark of the logs or timber upon which the said labor is to be performed.

*Third*—The time when said labor is to be performed, and—

*Fourth*—The amount, time, and manner of payment agreed upon for such labor; and shall be signed by the said parties respectively.

Claim of lien to be filed within thirty days, what to contain

**SEC. 3.** In case any such person or persons, so performing labor upon any logs or timber, and having complied with the requirements of the last preceding Section, shall not have received the wages agreed upon as aforesaid, for such labor at the time and in the manner agreed upon as aforesaid, then within thirty days thereafter, such person or persons shall cause to be filed and recorded in the said office, a claim of lien upon the said logs or timber to secure the payment of the said wages, which said claim of lien shall be in writing, signed by the said person or persons so claiming a lien, or by his or their agent or attorney, and verified by the oath of the person or persons so signing the same; and shall contain,—

*First*—A reference to the contract under which it is claimed labor has been performed.

*Second*—A statement of the amount of labor performed under such contract.

*Third*—What amount, if any, has been paid for such labor; and—

*Fourth*—The amount still due for such labor.

**SEC. 4.** Upon the said claim of lien being filed and recorded as aforesaid, the said logs or timber shall be holden for the payment of the said wages so due, as aforesaid, for labor performed on the same; and the said lien shall take precedence of any other lien or claim whatsoever, or any sale or transfer of the said logs or timber; *Provided*, The said person or persons claiming such lien, within six months after filing such claim of lien, shall proceed to institute an action in the proper court to recover the said wages so due, as aforesaid, and shall prosecute the same to judgment and execution with due diligence.

Logs and timber to be holden on such lien

Sec. 5. If at the time of instituting such action, or at any time thereafter, before judgment, the person or persons claiming a lien on any logs or timber, as aforesaid, or his or their agent or attorney, shall make and file in said action an affidavit stating that the said logs or timber are about to be removed out of the jurisdiction of the court, or are about to be manufactured into lumber; or that in any other manner the said person or persons are in danger of losing the said logs or timber as security for the payment of the said wages so due, as aforesaid, then and in that case, the said person or persons shall be entitled to have an attachment issued against the said logs or timber, without any other act or thing being required on his or their part, whatever; and if any person or persons whomsoever after the time of the filing of the memorandum above mentioned, shall remove any such logs or timber out of the jurisdiction of the said court, or shall manufacture or otherwise dispose of any of such logs or timber so as to hinder or prevent the payment of the wages so due for labor on the same, or to hinder or prevent the execution of the judgment which may be recovered in such action, then and in that case, such person or persons shall be personally liable to the person or persons so hindered or prevented from obtaining the payment of said wages, or from obtaining satisfaction of the said judgment to the amount of the value of the logs or timber so removed, manufactured, or disposed of as aforesaid.

Proceeding when logs are about to be removed

Sec. 6. Upon judgment being obtained in any such action, the same shall be executed upon the said logs or timber in the usual manner, and to the person or persons buying any portion of such logs or timber, the officer having the execution of such judgment and making sale thereon, shall give a certificate of the said purchase and sale; and upon such certificate being presented and delivered to the Surveyor General, aforesaid, he shall scale to the person or person to whom the said certificate was given, or his or their assigns, the said logs or timber so purchased as aforesaid, and shall deliver to such person or persons, a scale bill therefor; which said scale bill shall be conclusive evidence of ownership of the said logs or timber.

Judgment how executed

Sec. 7. The said claims of lien shall have precedence one of the other, in the order in which the same are filed in the office of the Surveyor General.

Precedence of liens

Sec. 8. There shall be recovered in such actions as disbursements, the fees paid to the Surveyor General for filing and recording the aforementioned papers; which said fees shall in the first instance be paid by the party procuring the said papers to be filed and recorded.

Fees paid for filing and recording to be recovered

Sec. 9. It is hereby made the duty of the Surveyor General of the several districts for the surveying of logs, timber and lumber, to file and record in his office, the several papers hereinbefore required to be filed and recorded, and to perform

Duty of surveyor general

the other acts herein provided for; and as compensation therefor, the Surveyor General may demand and receive the same fees as he is entitled to for other like services.

**Discharge of lien** SEC. 10. Whenever any person who may have filed a claim of lien as hereinbefore provided for, shall have received his wages and costs in full in any manner, he shall, on the demand of the owner of any logs or timber upon which such claim was made, or of the assignee of such owner, give a receipt of the same to such person, which said receipt being filed and recorded in the office of the Surveyor General, shall be deemed a discharge of the said lien.

**Repeal of former laws** SEC. 11. All acts and parts of acts giving or reserving a lien upon logs or timber to persons performing labor thereon, except Section nine (9) of Chapter ninety-seven (97) of the Revised Statutes aforementioned, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage; *Provided*, That nothing herein contained shall be construed to effect any contract entered into, or any right accrued before the time of the passage hereof.

AMOS COGGSWELL,  
Speaker of the House of Representatives.  
IGNATIUS DONNELLY,  
President of the Senate.

Approved March eighth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }  
March 8th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.

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## CHAPTER XX.

*An Act to amend an act entitled "An Act to provide for County Organization and Government" approved February 28th, 1860.*

- SECTION. 1. Amendment of act passed February 28th, 1860.  
2. Act to take effect on passage.